

**U.S. District Court  
District of Montana (Billings)  
CRIMINAL DOCKET FOR CASE #: 1:19-cr-00048-SPW-2**

Case title: USA v. Isget et al

Date Filed: 04/19/2019

Date Terminated: 04/14/2021

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Assigned to: Judge Susan P.  
Watters

**Defendant (2)**

**Herman Eliseo Menendez**  
*TERMINATED: 04/14/2021*

represented by **Brian P. Fay**  
ANGEL COIL BARTLETT  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Daniel O.C. Ball**  
HENDRICKSON EVERSON NOENNIG &  
WOODWARD  
PO Box 2502  
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*TERMINATED: 09/03/2020*  
*Designation: CJA Appointment*

**Gillian E. Gosch**  
FEDERAL DEFENDERS OF MONTANA –  
BILLINGS  
2702 Montana Avenue, Suite 101  
Billings, MT 59101-2372  
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*TERMINATED: 09/03/2020*  
*Designation: Public Defender or Community  
Defender Appointment*

**Pending Counts**

21:841A=CD.F POSSESSION  
WITH INTENT TO  
DISTRIBUTE CONTROLLED  
SUBSTANCES.  
(2)

**Disposition**

DFT IS SENTENCED IN INDICTMENT ON  
COUNT 2 TO BOP FOR A TERM OF 45  
MONTHS; SUPERVISED RELEASE OF 5 YEARS  
with standard and special conditions apply. Fine  
waived; special assessment 100.00.

**Highest Offense Level  
(Opening)**

Felony

**Terminated Counts**

**Disposition**

DISMISSED ON GOV'T MOTION

21:846=CD.F CONSPIRACY TO  
POSSESS WITH INTENT TO  
DISTRIBUTE CONTROLLED  
SUBSTANCES.  
(1)

**Highest Offense Level**  
**(Terminated)**

Felony

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **Julie R. Patten**  
U.S. ATTORNEY'S OFFICE –  
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2601 2nd Avenue North, Ste 3200  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

Date Filed	#	Docket Text
04/19/2019	<u>1</u>	SEALED INDICTMENT as to Blake Zelon Isget (1) count(s) 1, 2, 3, Herman Eliseo Menendez (2) count(s) 1, 2. (EMH) (Entered: 04/19/2019)
04/19/2019	<u>2</u>	Redacted Indictment as to Blake Zelon Isget, Herman Eliseo Menendez. (EMH) (Entered: 04/19/2019)
04/19/2019	<u>4</u>	Criminal Cover Sheet filed by USA as to Herman Eliseo Menendez. (EMH) (Entered: 04/19/2019)
04/22/2019		Arrest of Herman Eliseo Menendez (JDR) (Entered: 04/23/2019)
04/23/2019		Set Hearings as to Herman Eliseo Menendez. Arraignment set for 4/25/2019 at 09:00 AM in Billings, MT before Magistrate Judge Timothy J. Cavan. (JDR) (Entered: 04/23/2019)
04/25/2019		Case unsealed pursuant to the Grand Jury Order paragraph 5.b., 21 days from the date of the Grand Jury Order has lapsed or a defendant has appeared on the indictment. (JDR) (Entered: 04/25/2019)
04/25/2019	11	MINUTE ENTRY for proceedings held before Magistrate Judge Timothy J. Cavan: INITIAL APPEARANCE and ARRAIGNMENT Initial Appearance as to Herman Eliseo Menendez (2) Count 1,2 held on 4/25/2019. Defendant is present, in custody appearing with FD Gillian Gosch; AUSA Zeno Baucus appearing for the government. Deft acknowledges his true name; is advised of his rights; qualifies and the Court appoints FD Gosch until relieved by CJA panel counsel. Deft has received and reviewed the Indictment with counsel or staff; waives a formal reading and is advised of the maximum penalties possible. NOT GUILTY Plea entered by defendant on Count(s) 1, 2. USA moves for detention. Defendant waives at this time. Defendant is remanded to the custody of the USMS. Hearing commenced at 9:25 a.m. and concluded at 9:28 a.m. (Court Record: FTR Gold recording) (USPO: Marcie Zink), (Law Clerk: S. Danno), (Hearing held in Billings – BHC) (JDR) (Entered: 04/25/2019)
04/25/2019	<u>12</u>	CJA 23 Financial Affidavit by Herman Eliseo Menendez (JDR) (Entered: 04/25/2019)

04/25/2019	<u>13</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Herman Eliseo Menendez. Reimbursement information: Defendant is not required to reimburse the Court. Signed by Magistrate Judge Timothy J. Cavan on 4/25/2019. (JDR) (Entered: 04/25/2019)
04/25/2019	<u>15</u>	SCHEDULING ORDER as to Blake Zelon Isget, Herman Eliseo Menendez. Discovery due by 4/30/2019. Pretrial Motions due by 5/14/2019. Motion Change of Plea due by 6/10/2019. Pretrial Conference set for 6/24/2019 at 08:30 AM in Billings, MT before Judge Susan P. Watters. Jury Trial set for 6/24/2019 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 4/25/2019. (EMH) (Entered: 04/25/2019)
04/26/2019	<u>16</u>	Order Appointing CJA Panel Counsel as to Herman Eliseo Menendez. Daniel O.C. Ball for Herman Eliseo Menendez appointed. Reimbursement information: Defendant is not required to reimburse the Court. Signed by Magistrate Judge Timothy J. Cavan on 4/26/2019. (JDR) (Entered: 04/26/2019)
04/26/2019	<u>17</u>	NOTICE OF TRIAL DAYS by USA as to Blake Zelon Isget, Herman Eliseo Menendez. Number of Trial Days: 2 (Patten, Julie) (Entered: 04/26/2019)
04/29/2019	<u>19</u>	Arrest Warrant Returned Executed in case as to Herman Eliseo Menendez. (EMH) (Entered: 04/29/2019)
05/06/2019	<u>21</u>	MOTION for Detention Hearing by Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order) (Ball, Daniel) (Entered: 05/06/2019)
05/06/2019	<u>22</u>	ORDER granting <u>21</u> Motion for Detention Hearing as to Herman Eliseo Menendez (2) Detention Hearing set for 5/7/2019 at 02:30 PM in Billings, MT before Magistrate Judge Timothy J. Cavan. Signed by Magistrate Judge Timothy J. Cavan on 5/6/2019. (AEC) (Entered: 05/06/2019)
05/07/2019	<u>23</u>	Unopposed MOTION to Continue <i>Detention Hearing</i> by Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order) (Ball, Daniel) (Entered: 05/07/2019)
05/07/2019	<u>24</u>	ORDER granting <u>23</u> Motion to Continue as to Herman Eliseo Menendez (2). DETENTION HEARING presently set for 5/7/2019 is CONTINUED to 5/10/2019 at 10:00 AM in Billings, MT before Magistrate Judge Timothy J. Cavan. Signed by Magistrate Judge Timothy J. Cavan on 5/7/2019. (JDR) Modified on 5/9/2019 to correct time (JDR). (Entered: 05/07/2019)
05/10/2019	25	MINUTE ENTRY for proceedings held before Magistrate Judge Timothy J. Cavan: DETENTION Hearing as to Herman Eliseo Menendez held on 5/10/2019. Defendant is present and in custody appearing with CJA panel counsel Daniel Ball; AUSA Julie Patten appearing for the govt. The govt has no objection to proposed conditions of release. Deft agrees to abide by conditions. Deft released on O/R subject to standard and special conditions. Hearing commenced at 10:08 A.M. and concluded at 10:13 A.M. (Court Record: FTR Gold recording) (USPO: Marcie Zink), (Law Clerk: S. Danno), (Hearing held in Billings – BHC) (JDR) (Entered: 05/10/2019)
05/10/2019	<u>26</u>	ORDER Setting Conditions of Release as to Herman Eliseo Menendez. Signed by Magistrate Judge Timothy J. Cavan on 5/10/2019. (JDR) (Entered: 05/10/2019)
06/10/2019	<u>28</u>	Unopposed MOTION to Continue <i>Trial and Trial Related Deadlines</i> by Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order) (Ball, Daniel) (Entered: 06/10/2019)
06/11/2019	<u>29</u>	ORDER RESETTING TRIAL AND PRETRIAL DEADLINES as to Blake Zelon Isget, Herman Eliseo Menendez. Order granting <u>28</u> Unopposed MOTION to Continue <i>Trial and Trial Related Deadlines</i> filed by Herman Eliseo Menendez. IT IS HEREBY ORDERED that the Jury Trial set for 6/24/2019 is VACATED and RESET for 8/19/2019 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Pretrial Conference set for 8/19/2019 at 08:30 AM in Billings, MT before Judge Susan P. Watters. Pretrial Motions due by 7/1/2019. Motion Change of Plea due by 8/5/2019. Signed by Judge Susan P. Watters on 6/11/2019. (EMH) (Entered: 06/11/2019)
06/12/2019	<u>30</u>	EXPARTE MOTION by USA as to Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Personal History Sheet) (Patten, Julie) (Entered: 06/12/2019)

06/12/2019	<u>31</u>	ORDER FOR ISSUANCE OF ARREST WARRANT as to Herman Eliseo Menendez. Signed by Magistrate Judge Timothy J. Cavan on 6/12/2019. (JDR) Modified on 6/27/2019 to unseal (JDR). (Entered: 06/12/2019)
06/12/2019		Administrative Correction: An Order setting a change of plea hearing for a different defendant was mistakenly e-filed in this case. PLEASE DISREGARD THE NOTICE OF ELECTRONIC FILING. (JDR) (Entered: 06/12/2019)
06/26/2019		Arrest of Herman Eliseo Menendez (JDR) Modified on 6/27/2019 to correct date (JDR). (Entered: 06/27/2019)
06/27/2019		Set Hearings as to Herman Eliseo Menendez. Bond Revocation Hearing set for 6/27/2019 02:30 AM in Billings, MT before Magistrate Judge Timothy J. Cavan. (JDR) (Entered: 06/27/2019)
06/27/2019		Reset Hearing as to Herman Eliseo Menendez to correct hearing time. Bond Revocation Hearing set for 6/27/2019 02:30 PM in Billings, MT before Magistrate Judge Timothy J. Cavan. (JDR) (Entered: 06/27/2019)
06/27/2019	33	MINUTE ENTRY for proceedings held before Magistrate Judge Timothy J. Cavan: Bond Revocation Hearing as to Herman Eliseo Menendez held on 6/27/2019. Defendant is present and in custody appearing with Daniel Ball; AUSA Julie Patten appearing on behalf of the government. Defendant acknowledges his true identity and is advised of rights. Defendant has reviewed the Affidavit and alleged violations with counsel and the Court summarizes the same. Deft requests a preliminary hearing. Defendant is remanded to the custody of the USMS pending further proceedings. Bond Revocation/Preliminary Hearing set for 6/21/2019 02:00 PM in Billings, MT before Magistrate Judge Timothy J. Cavan. Hearing commenced at 2:39 p.m. and concluded at 2:44 p.m. (Court Reporter FTR Gold Recording) (USPO: Nick Buciuman), (Law Clerk: D. Boyd), (Hearing held in Billings – BHC) (JDR) (Entered: 06/27/2019)
06/28/2019	34	MINUTE ENTRY for proceedings held before Magistrate Judge Timothy J. Cavan: BOND REVOCATION HEARING/PRELIMINARY HEARING as to Herman Eliseo Menendez held on 6/28/2019. Defendant is present and in custody appearing with CJA Counsel Daniel Ball; AUSA Julie Patten appearing on behalf of the government. Deft waives his right to a preliminary hearing. The Court finds defendant has violated the conditions of pretrial release and defendant's release is revoked. Defendant is remanded to the custody of the USMS pending further proceedings. Hearing commenced at 2:14 p.m. and concluded at 2:16 p.m. (Court Reporter Rebecca Sabo) (USPO: Nick Buciuman), (Law Clerk: D. Boyd), (Hearing held in Billings – BHC) (JDR) (Entered: 06/28/2019)
07/02/2019	<u>35</u>	Arrest Warrant Returned Executed in case as to Herman Eliseo Menendez. (EMH) (Entered: 07/02/2019)
08/05/2019	<u>40</u>	Unopposed MOTION to Continue <i>Trial and Trial Related Deadlines</i> by Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order) (Ball, Daniel) (Entered: 08/05/2019)
08/06/2019	<u>41</u>	ORDER RESETTING TRIAL AND PRETRIAL DEADLINES as to Blake Zelon Isget, Herman Eliseo Menendez ( Motions due by 9/3/2019., Plea Agreement due by 10/7/2019., Jury Trial RESET for 10/21/2019 at 09:00 AM in Billings, MT before Judge Susan P. Watters., Pretrial Conference set for 10/21/2019 at 08:30 AM in Billings, MT before Judge Susan P. Watters.)Granting <u>40</u> Unopposed MOTION to Continue <i>Trial and Trial Related Deadlines</i> filed by Herman Eliseo Menendez. Signed by Judge Susan P. Watters on 8/6/2019. (AMC) (Entered: 08/06/2019)
10/07/2019	<u>52</u>	ORDER RESETTING TRIAL AND PRETRIAL DEADLINES as to Blake Zelon Isget, Herman Eliseo Menendez ( Motions due by 12/2/2019., Motion to Change Plea due by 1/6/2020., Jury Trial RESET for 1/21/2020 at 09:00 AM in Billings, MT before Judge Susan P. Watters., Pretrial Conference set for 1/21/2020 at 08:30 AM in Billings, MT before Judge Susan P. Watters.) Granting <u>51</u> Unopposed MOTION to Continue <i>Trial</i> filed by Blake Zelon Isget. Signed by Judge Susan P. Watters on 10/7/2019. (AMC) (Entered: 10/07/2019)
10/14/2019	<u>53</u>	MOTION for Detention Hearing by Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order Order Setting Detention Hearing) (Ball, Daniel) (Entered: 10/14/2019)

10/15/2019	<u>54</u>	ORDER denying <u>53</u> Motion for Detention Hearing as to Herman Eliseo Menendez (2) with leave to renew. Signed by Magistrate Judge Timothy J. Cavan on 10/15/2019. (JDR) Modified on 10/16/2019 to add text (JDR). (Entered: 10/15/2019)
12/03/2019	<u>59</u>	Unopposed MOTION to Continue <i>Pretrial Motions Deadline</i> by Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order) (Ball, Daniel) (Entered: 12/03/2019)
12/03/2019	<u>60</u>	ORDER granting <u>59</u> Motion to Continue Pretrial Motions Deadline as to Herman Eliseo Menendez (2). Pretrial Motions due by 12/16/2019. Signed by Judge Susan P. Watters on 12/3/2019. (EMH) (Entered: 12/03/2019)
12/16/2019	<u>63</u>	MOTION to Suppress by Herman Eliseo Menendez. (Ball, Daniel) (Entered: 12/16/2019)
12/16/2019	<u>64</u>	BRIEF/MEMORANDUM in Support by Herman Eliseo Menendez re <u>63</u> MOTION to Suppress (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit B-1, # <u>4</u> Exhibit C, # <u>5</u> Exhibit E) (Ball, Daniel) (Entered: 12/16/2019)
12/16/2019	<u>65</u>	NOTICE of Filing Exhibits by Herman Eliseo Menendez re <u>63</u> MOTION to Suppress , <u>64</u> Brief/Memorandum in Support (Ball, Daniel) (Entered: 12/16/2019)
12/17/2019		Remark as to Herman Eliseo Menendez: Billings Clerks office received non-electronic exhibits: Defendant D and F. Disk containing exhibits placed in brown expando and placed in SPW tray for review. (EMH) (Entered: 12/17/2019)
12/17/2019	<u>67</u>	TRANSCRIPT DESIGNATION ORDER FORM <i>Hearing held in U. S. v. Sanchez (CR 18-03-BLG-SPW) to be used in Menendez case</i> by Herman Eliseo Menendez for proceedings held on 04/11/2019 before Judge Watters. Court reporter Rebecca Sabo Transcript due by 1/21/2020. (Attachments: # <u>1</u> Supplement CJA 24) (Ball, Daniel) (Entered: 12/17/2019)
12/18/2019	<u>68</u>	ORDER Setting Hearing on Motion <u>63</u> MOTION to Suppress and <u>66</u> Joint MOTION to Suppress as to Blake Zelon Isget, Herman Eliseo Menendez. Motion Hearing set for 1/17/2020 at 09:30 AM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 12/18/2019. (EMH) (Entered: 12/18/2019)
12/20/2019	<u>69</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>63</u> MOTION to Suppress by USA as to Blake Zelon Isget, Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order) (Patten, Julie) (Entered: 12/20/2019)
12/20/2019	<u>70</u>	ORDER granting <u>69</u> Motion for Extension of Time to File Response as to Blake Zelon Isget (1), Herman Eliseo Menendez (2). The United States shall have up to and including January 6, 2020 to file their response. Signed by Judge Susan P. Watters on 12/20/2019. (EMH) (Entered: 12/20/2019)
01/06/2020	<u>71</u>	RESPONSE to Motion by USA as to Blake Zelon Isget, Herman Eliseo Menendez re <u>63</u> MOTION to Suppress (Patten, Julie) (Entered: 01/06/2020)
01/06/2020	<u>72</u>	Sealed Document Unredacted <i>Exhibits 1 and 2 of the United States' Response to Defendant's Motion to Suppress</i> re: <u>71</u> Response to Motion by Blake Zelon Isget, Herman Eliseo Menendez (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Patten, Julie) (Entered: 01/06/2020)
01/14/2020	<u>73</u>	Unopposed MOTION to Continue <i>Suppression Hearing</i> by USA as to Blake Zelon Isget, Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order) (Patten, Julie) (Entered: 01/14/2020)
01/14/2020	<u>74</u>	ORDER granting <u>73</u> Motion to Continue as to Blake Zelon Isget (1), Herman Eliseo Menendez (2). Motion Hearing reset for 1/22/2020 at 09:30 AM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 1/14/2020. (copy Order to USMS) (EMH) (Entered: 01/14/2020)
01/22/2020	75	MINUTE ENTRY for proceedings held before Judge Susan P. Watters: Motion Hearing as to Blake Zelon Isget, Herman Eliseo Menendez held on 1/22/2020 re <u>63</u> MOTION to Suppress filed by Herman Eliseo Menendez, <u>66</u> Joint MOTION to Suppress filed by Blake Zelon Isget. Defendant Blake Zelon Isget appearing in custody with CJA panel attorney Lance Lundvall and Defendant Herman Eliseo Menendez appearing with CJA attorney Daniel Ball; AUSA Julie Patten appearing for



		Government. Government calls witness S/E. Court will deem the motion submitted. Exhibits attached to the briefs filed in this matter are admitted. Defendants are remanded to USMS custody. Hearing commenced at 9:30 AM and concluded at 11:12 AM. (Court Reporter Rebecca Sabo) (Government Witnesses Sworn and Examined: Agent Jeremy Crowther; Trooper Erick Fetterhoff; Agent Israel Varrera), (Law Clerk: J. Wolff), (Hearing held in Billings–SMC) (EMH) (Entered: 01/22/2020)
02/18/2020	<u>76</u>	ORDER denying defendants' <u>63</u> MOTION to Suppress filed by Herman Eliseo Menendez and <u>66</u> Joint MOTION to Suppress filed by Blake Zelon Isget. Signed by Judge Susan P. Watters on 2/18/2020. (EMH) (Entered: 02/18/2020)
02/18/2020	<u>77</u>	ORDER RESETTING TRIAL AND SCHEDULING DEADLINES as to Blake Zelon Isget, Herman Eliseo Menendez. IT IS HEREBY ORDERED that the Jury Trial is reset for 3/16/2020 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Pretrial Conference reset for 3/16/2020 at 08:30 AM in Billings, MT before Judge Susan P. Watters. Pretrial Motions due by 2/25/2020. Motion Change of Plea due by 3/2/2020. Signed by Judge Susan P. Watters on 2/18/2020. (EMH) (Entered: 02/18/2020)
03/03/2020	<u>79</u>	ORDER RESETTING TRIAL AND SCHEDULING DEADLINES as to Blake Zelon Isget, Herman Eliseo Menendez. Order granting <u>78</u> Unopposed MOTION to Continue <i>trial</i> filed by Blake Zelon Isget. IT IS HEREBY ORDERED that the Jury Trial set for 3/16/2020 is VACATED and RESET for 6/1/2020 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Pretrial Conference reset for 6/1/2020 at 08:30 AM in Billings, MT before Judge Susan P. Watters. Motions (limine) due by 4/13/2020. Motion Change of Plea due by 5/18/2020. Signed by Judge Susan P. Watters on 3/3/2020. (EMH) (Entered: 03/03/2020)
05/14/2020	<u>82</u>	Unopposed MOTION to Continue <i>Jury Trial</i> by Blake Zelon Isget as to Blake Zelon Isget, Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order) (Schwartz, Nancy) (Entered: 05/14/2020)
05/14/2020	<u>83</u>	ORDER RESETTING TRIAL AND SCHEDULING DEADLINES as to Blake Zelon Isget, Herman Eliseo Menendez. Order granting <u>82</u> Unopposed MOTION to Continue <i>Jury Trial</i> filed by Blake Zelon Isget. IT IS HEREBY ORDERED that the Jury Trial set for 6/1/2020 is VACATED and RESET for 8/17/2020 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Pretrial Conference reset for 8/17/2020 at 08:30 AM in Billings, MT before Judge Susan P. Watters. Motions (limine) due by 6/29/2020. Motion Change of Plea due by 8/3/2020. Signed by Judge Susan P. Watters on 5/14/2020. (EMH) (Entered: 05/14/2020)
06/11/2020	<u>85</u>	TRANSCRIPT of motion hearing as to Blake Zelon Isget, Herman Eliseo Menendez held on 1/22/20 before Judge Susan P. Watters. Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER, the clerks office, or the court reporter. NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 7 DAYS OF THIS FILING. Contact court reporter Rebecca Sabo, 406–855–6410, rebeccasabo2017@gmail.com. For further information, please see the Transcript Redaction Procedure and Schedule on the Court Reporters page of our website. Redaction Request due 7/2/2020. Redacted Transcript Deadline set for 7/13/2020. Release of Transcript Restriction set for 9/9/2020. (RMS) (Entered: 06/11/2020)
06/12/2020	<u>86</u>	TRANSCRIPT DESIGNATION ORDER FORM by Herman Eliseo Menendez for proceedings held on 01/22/2020 before Judge Watters. Court reporter Rebecca Sabo. Type of transcript: 30–Day. (Attachments: # <u>1</u> CJA 24) (Ball, Daniel) (Entered: 06/12/2020)
08/03/2020	<u>90</u>	Unopposed MOTION TO CHANGE PLEA by Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order) (Ball, Daniel) (Entered: 08/03/2020)
08/03/2020	<u>91</u>	Submission of Proposed Order <i>Setting Change of Plea Hearing</i> by Herman Eliseo Menendez re <u>90</u> Unopposed MOTION TO CHANGE PLEA (Ball, Daniel) (Entered: 08/03/2020)
08/04/2020	<u>93</u>	Order Setting as to Herman Eliseo Menendez. IT IS HEREBY ORDERED that the trial set for 8/17/2020 is VACATED. IT IS FURTHER ORDERED that a Change of

		Plea Hearing is set for 8/12/2020 at 01:30 PM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 8/3/2020. (EMH) (Entered: 08/04/2020)
08/04/2020	<u>94</u>	OFFER OF PROOF as to Herman Eliseo Menendez (Patten, Julie) (Entered: 08/04/2020)
08/05/2020	<u>96</u>	OFFER OF PROOF <i>Amended Offer of Proof</i> as to Herman Eliseo Menendez (Patten, Julie) (Entered: 08/05/2020)
08/05/2020	<u>97</u>	Unopposed MOTION to Continue <i>Plea Agreement Deadline</i> by Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order) (Ball, Daniel) (Entered: 08/05/2020)
08/06/2020	<u>98</u>	ORDER granting <u>97</u> Motion to Continue as to Herman Eliseo Menendez (2). Plea Agreement deadline is extended up to and including 8/10/2020. Signed by Judge Susan P. Watters on 8/6/2020. (EMH) (Entered: 08/06/2020)
08/12/2020	103	MINUTE ENTRY for proceedings held before Judge Susan P. Watters: THIS WAS TIME SET FOR A CHANGE OF PLEA HEARING as to Herman Eliseo Menendez held on 8/12/2020. Dft present and in custody with CJA attorney Daniel Ball; AUSA Julie Patten. Defendant states he does not want to sign a plea agreement and wishes to go to trial. Judge will issue an order putting dft back on the trial calendar. Dft remanded to the custody of USMS. Hearing commenced at 1:30 pm and concluded at 1:31 pm (Court Reporter Rich Mattson) (USPO: Darren Galerkin), (Hearing held in Billings-SMC) (AMC) (Entered: 08/12/2020)
08/13/2020	<u>104</u>	ORDER RESETTING TRIAL AND SCHEDULING DEADLINES as to Herman Eliseo Menendez. IT IS HEREBY ORDERED that the Defendant's <u>90</u> Unopposed MOTION TO CHANGE PLEA is DENIED as moot. IT IS FURTHER ORDERED that a Jury Trial is reset for 8/31/2020 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Pretrial Conference set for 8/31/2020 at 08:30 AM in Billings, MT before Judge Susan P. Watters. Motion for change of plea due by 8/17/2020. Signed by Judge Susan P. Watters on 8/12/2020. (EMH) (Entered: 08/13/2020)
08/14/2020		Terminate Deadlines REDACTION REQUEST FOR DOC 85 as to Blake Zelon Isget, Herman Eliseo Menendez. (AMC) (Entered: 08/14/2020)
08/17/2020	<u>105</u>	NOTICE of Expert Witnesses by USA as to Herman Eliseo Menendez re <u>104</u> Scheduling Order,,, Terminate Motions,, (Patten, Julie) (Entered: 08/17/2020)
08/17/2020	<u>106</u>	Unopposed MOTION TO CHANGE PLEA by Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order) (Ball, Daniel) (Entered: 08/17/2020)
08/18/2020	<u>107</u>	PLEA AGREEMENT as to Herman Eliseo Menendez. (Original to USPO.) (JDH) (Entered: 08/18/2020)
08/18/2020	<u>108</u>	CONSENT TO proceed before a Magistrate Judge for a Guilty Plea as to Herman Eliseo Menendez. (JDH) (Entered: 08/18/2020)
08/18/2020	<u>109</u>	ORDER REFERRING CASE to Magistrate Judge Timothy J. Cavan as to Herman Eliseo Menendez for purposes of scheduling and conducting the change of plea hearing. IT IS FURTHER ORDERED that the trial set for 8/31/2020 is VACATED. Motions referred to Timothy J. Cavan. Signed by Judge Susan P. Watters on 8/18/2020. (EMH) (Entered: 08/18/2020)
08/18/2020	<u>110</u>	Order Setting as to Herman Eliseo Menendez. Change of Plea Hearing set for 8/25/2020 at 10:00 AM in Billings, MT before Magistrate Judge Timothy J. Cavan. Signed by Magistrate Judge Timothy J. Cavan on 8/18/2020. (JDH) (Entered: 08/18/2020)
08/24/2020	<u>112</u>	Order Rescheduling Change of Plea Hearing as to Herman Eliseo Menendez. Change of Plea Hearing reset for 9/3/2020 at 10:30 AM in Billings, MT before Magistrate Judge Timothy J. Cavan <b>via video from the Yellowstone County Detention Facility</b> . Signed by Magistrate Judge Timothy J. Cavan on 8/24/2020. (JEH) Modified on 8/25/2020 (JDH). (Entered: 08/24/2020)
09/02/2020	<u>113</u>	MOTION to Withdraw as Attorney by Daniel Ball. by Herman Eliseo Menendez. Motions referred to Timothy J. Cavan. (Attachments: # <u>1</u> Text of Proposed Order) (Ball, Daniel) (Entered: 09/02/2020)

09/02/2020	<u>114</u>	Unopposed MOTION to Vacate <i>Change of Plea Hearing</i> by Herman Eliseo Menendez. Motions referred to Timothy J. Cavan. (Attachments: # <u>1</u> Text of Proposed Order) (Ball, Daniel) (Entered: 09/02/2020)
09/02/2020	<u>115</u>	ORDER VACATING CHANGE OF PLEA HEARING as to Herman Eliseo Menendez. the change of plea hearing currently set for September 3, 2020 at 10:30 a.m. is VACATED and will be reset pending resolution of Defendants motion to withdraw counsel. Signed by Magistrate Judge Timothy J. Cavan on 9/2/2020. (JDH) (Entered: 09/02/2020)
09/03/2020	<u>116</u>	Order Appointing Counsel as to Herman Eliseo Menendez. IT IS HEREBY ORDERED that Daniel O.C. Ball be relieved of all legal duties as to Herman Eliseo Menendez. Further, CJA panel attorney Brian P. Fay is appointed for all further proceedings. Reimbursement information: Defendant is not required to reimburse the Court. Signed by Judge Susan P. Watters on 9/3/2020. (EMH) (Entered: 09/03/2020)
09/08/2020	<u>117</u>	ORDER SETTING CHANGE OF PLEA HEARING as to Herman Eliseo Menendez. Change of Plea Hearing set for 9/17/2020 at 02:00 PM in Billings, MT before Magistrate Judge Timothy J. Cavan. <b>Defendant will appear by video from YCDF.</b> Signed by Magistrate Judge Timothy J. Cavan on 9/8/2020. (JEH) (Entered: 09/08/2020)
09/10/2020	<u>119</u>	MOTION to Vacate <i>Change of Plea Hearing</i> by Herman Eliseo Menendez. Motions referred to Timothy J. Cavan. (Attachments: # <u>1</u> Text of Proposed Order) (Fay, Brian) (Entered: 09/10/2020)
09/10/2020	<u>121</u>	ORDER granting <u>119</u> Motion to Vacate Change of Plea Hearing as to Herman Eliseo Menendez (2). IT IS HEREBY ORDERED that the change of plea hearing currently set for September 17, 2020 at 2:00 p.m. is VACATED. Signed by Magistrate Judge Timothy J. Cavan on 9/10/2020. (JDH) (Entered: 09/10/2020)
09/10/2020		Terminate Deadlines and Hearings as to Herman Eliseo Menendez: COP vacated. (JDH) (Entered: 09/10/2020)
09/10/2020	<u>122</u>	ORDER RESETTING TRIAL AND SCHEDULING DEADLINES as to Herman Eliseo Menendez. IT IS HEREBY ORDERED that the defendant's <u>106</u> Unopposed MOTION TO CHANGE PLEA is DENIED as moot. IT IS FURTHER ORDERED that the Jury Trial is reset for 9/28/2020 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Pretrial Conference reset for 9/28/2020 at 08:30 AM in Billings, MT before Judge Susan P. Watters. Motion Change of Plea due by 9/21/2020. Signed by Judge Susan P. Watters on 9/10/2020. (EMH) (Entered: 09/10/2020)
09/15/2020		Terminate Deadlines as to Blake Zelon Isget, Herman Eliseo Menendez: Release of Transcript Restrict Soc. 85. (EMH) (Entered: 09/15/2020)
09/16/2020	<u>123</u>	Unopposed MOTION to Continue <i>Trial</i> by Herman Eliseo Menendez. Motions referred to Timothy J. Cavan. (Attachments: # <u>1</u> Text of Proposed Order) (Fay, Brian) (Entered: 09/16/2020)
09/16/2020	<u>124</u>	ORDER RESETTING TRIAL AND SCHEDULING DEADLINES as to Herman Eliseo Menendez. Order granting <u>123</u> Unopposed MOTION to Continue <i>Trial</i> filed by Herman Eliseo Menendez. IT IS HEREBY ORDERED that the Jury Trial set for 9/28/2020 is VACATED and RESET for 11/2/2020 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Pretrial Conference reset for 11/2/2020 at 08:30 AM in Billings, MT before Judge Susan P. Watters. Motion Change of Plea due by 10/19/2020. Signed by Judge Susan P. Watters on 9/16/2020. (EMH) (Entered: 09/16/2020)
10/02/2020	<u>126</u>	TRANSCRIPT of change of plea as to Blake Zelon Isget held on 8/06/20 before Judge Timothy J. Cavan. Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER, the clerks office, or the court reporter. NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 7 DAYS OF THIS FILING. Contact court reporter Rebecca Sabo, 406-855-6410, rebeccasabo2017@gmail.com. For further information, please see the Transcript Redaction Procedure and Schedule on the Court Reporters page of our website. Redaction Request due 10/23/2020. Redacted Transcript Deadline set for 11/2/2020. Release of Transcript Restriction set for 12/31/2020. (RMS) (Entered: 10/02/2020)



		10/02/2020)
10/19/2020	<u>127</u>	Unopposed MOTION TO CHANGE PLEA by Herman Eliseo Menendez. Motions referred to Timothy J. Cavan. (Attachments: # <u>1</u> Text of Proposed Order) (Fay, Brian) (Entered: 10/19/2020)
10/20/2020	<u>128</u>	Order Setting as to Herman Eliseo Menendez. IT IS HEREBY ORDERED that a Change of Plea Hearing is set VIA VIDEO FROM CROSSROADS CORRECTIONAL FACILITY (SHELBY) on 11/2/2020 at 09:30 AM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 10/20/2020. (EMH) (Entered: 10/20/2020)
10/20/2020		Reset Deadlines as to Herman Eliseo Menendez: Plea Agreement due by 10/29/2020. (EMH) (Entered: 10/20/2020)
10/21/2020		Judge update in case as to Herman Eliseo Menendez. Magistrate Judge Timothy J. Cavan no longer assigned to case. (EMH) (Entered: 10/21/2020)
10/21/2020	<u>129</u>	ORDER as to Herman Eliseo Menendez, IT IS HEREBY ORDERED that the Change of Plea Hearing set for 11/2/2020 at 9:30 AM is VACATED and RESET VIA VIDEO FROM CROSSROADS CORRECTIONAL FACILITY FOR 11/2/2020 at 01:00 PM in Billings, MT before Judge Susan P. Watters. (CHANGING THE TIME OF THE HEARING ONLY). Signed by Judge Susan P. Watters on 10/21/2020. (EMH) (Entered: 10/21/2020)
10/29/2020	<u>130</u>	Unopposed MOTION to Continue <i>Change of Plea Hearing</i> by Herman Eliseo Menendez. (Attachments: # <u>1</u> Text of Proposed Order) (Fay, Brian) (Entered: 10/29/2020)
10/30/2020	<u>131</u>	ORDER granting <u>130</u> Motion to Continue as to Herman Eliseo Menendez (2). IT IS HEREBY ORDERED that the Change of Plea Hearing set for 11/2/2020 is VACATED and RESET VIA VIDEO FROM CROSSROADS CORRECTIONAL FACILITY (SHELBY) for 11/24/2020 at 01:00 PM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 10/30/2020. (EMH) (Entered: 10/30/2020)
11/20/2020	<u>133</u>	PLEA AGREEMENT as to Herman Eliseo Menendez (emailed to USPO) (EMH) (Entered: 11/20/2020)
11/24/2020	134	MINUTE ENTRY for proceedings held before Judge Susan P. Watters: Change of Plea Hearing as to Herman Eliseo Menendez held on 11/24/2020. Dft is present, in custody, appearing VIA VIDEO from Crossroads Correctional Facility– Shelby, with CJA panel attorney Brian Fay; AUSA Julie Patten appearing for Government. Essence of plea agreement stated. Dft advised of his rights, administered Oath and states full name. Dft answers courts usual questions. No medications, drugs or alcohol that affect understanding of todays proceeding. Dft received copy of the indictment, has read and reviewed with his atty and understands the charges. Court reviews charges, dft advised of the maximum possible penalties and all the rights that are waived by a guilty plea. Plea agreement discussed and reviewed. Plea is voluntary without promises, force or threats. Elements and Offer of Proof read into the record. Court GRANTS defendants motion to change plea. DEFENDANT PLEADS GUILTY TO COUNT 2 IN THE INDICTMENT and explains what he did to make him guilty of the charge. Court accepts guilty plea, finding dft competent, plea is voluntarily made and dft adjudged guilty. PSR ordered. Sentencing set for 4/14/2021 at 1:30 PM. Defendant remanded to USMS custody. Hearing commenced at 1:08 PM and concluded at 1:44 PM. (Court Reporter Rebecca Sabo) (USPO: T.Wilson), (Hearing held in Billings– SMC) (EMH) (Entered: 11/24/2020)
11/24/2020	<u>135</u>	ORDER SETTING SENTENCING as to Herman Eliseo Menendez. Sentencing set for 4/14/2021 at 01:30 PM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 11/24/2020. (EMH) (Entered: 11/24/2020)
12/04/2020		Terminate Deadlines REDACTED TRANSCRIPT FOR DOC 126 as to Blake Zelon Isget, Herman Eliseo Menendez. (AMC) (Entered: 12/04/2020)
01/04/2021		Terminate Deadlines (RELEASE OF TRANSCRIPT RESTRICT FOR DOC 126) as to Blake Zelon Isget, Herman Eliseo Menendez. (AMC) (Entered: 01/04/2021)

03/26/2021	<u>150</u>	SENTENCING MEMORANDUM by USA as to Herman Eliseo Menendez (Patten, Julie) (Entered: 03/26/2021)
03/31/2021	<u>151</u>	SENTENCING MEMORANDUM by Herman Eliseo Menendez (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit) (Fay, Brian) (Entered: 03/31/2021)
04/14/2021	153	MINUTE ENTRY for proceedings held before Judge Susan P. Watters: SENTENCING held on 4/14/2021 for Herman Eliseo Menendez. Dft present and in custody with CJA attorney Lance Lundvall Brian Fay. AUSA Julie Patten. PSR received/reviewed by Govt; no objections; moves for a two level decrease with an additional one level, Judge GRANTS. PSR received/reviewed by Defense; no objections. Judge will adopt PSR and accepts plea agreement. Court reviews statutory and guideline calculations. Arguments made. Court reviews 3553(a) factors. DFT IS SENTENCED IN INDICTMENT ON COUNT 2 TO BOP FOR A TERM OF 45 MONTHS; SUPERVISED RELEASE OF 5 YEARS with standard and special conditions apply. Fine waived; special assessment 100.00. AUSA moves to dismiss count 1, Judge grants. Dft waived his right to appeal and is remanded to the custody of USMS. Hearing commenced at 1:31 pm and concluded at 1:55 pm Presentence Report due by 4/21/2021. (Court Reporter Becky Sabo) (USPO: Cameron Peters in person), (Law Clerk: C. Thingvold), (Hearing held in Billings–SMC) (AMC) (Entered: 04/14/2021)
04/14/2021	<u>154</u>	JUDGMENT as to Herman Eliseo Menendez (2), Count(s) 1, DISMISSED ON GOV'T MOTION; Count(s) 2, DFT IS SENTENCED IN INDICTMENT ON COUNT 2 TO BOP FOR A TERM OF 45 MONTHS; SUPERVISED RELEASE OF 5 YEARS with standard and special conditions apply. Fine waived; special assessment 100.00.. Signed by Judge Susan P. Watters on 4/14/2021. (Judgment and SOR emailed to USPO) (EMH) (Entered: 04/14/2021)
04/14/2021	<u>155</u>	STATEMENT OF REASONS as to Herman Eliseo Menendez re <u>154</u> Judgment. Signed by Judge Susan P. Watters on 4/14/2021. (Copy to AUSA and CJA) (EMH) (Entered: 04/14/2021)
04/14/2021	<u>156</u>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Herman Eliseo Menendez (EMH) (Entered: 04/14/2021)
08/08/2023	<u>157</u>	Report of Offender Under Supervision as to Herman Eliseo Menendez Signed by Judge Susan P. Watters on 8/8/2023. (MTD_CMECF_AutoDocket, ) (Entered: 08/08/2023)
08/08/2023	<u>158</u>	Remark as to Herman Eliseo Menendez: Signed preliminary TOJ Order returned to USPO for processing with receiving district. (EMH) (Entered: 08/08/2023)